

**TENNESSEE GENERAL ASSEMBLY  
FISCAL REVIEW COMMITTEE**



**FISCAL MEMORANDUM**

**HB 962 – SB 1127**

March 31, 2009

**SUMMARY OF AMENDMENT (005345):** Increases the penalty from a Class A misdemeanor to a Class A felony for a person licensed to carry a handgun to carry a handgun in a restaurant.

**FISCAL IMPACT OF ORIGINAL BILL:**

Decrease Local Revenue – Not Significant  
Decrease Local Expenditures – Not Significant

**FISCAL IMPACT OF BILL WITH PROPOSED AMENDMENT:**

**Increase State Expenditures - \$436,800/Incarceration\***

Assumptions applied to amendment:

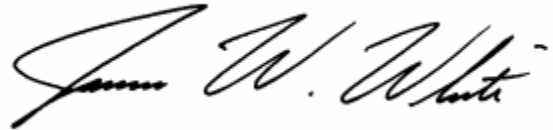
- Currently, it is a Class A misdemeanor for a person licensed to carry a handgun to possess the handgun while under the influence of alcohol or any controlled substance.
- According to the AOC, there has been an average of two state court convictions for Class A misdemeanors for possession of a firearm where alcoholic beverages are served in each of the past five years. State court convictions are 10 percent of the total convictions. Total convictions, including general sessions courts, are estimated to be an average of 20 per year. DOC estimates 10 percent (2) would have handgun carry permits and would receive a Class A felony as a result.
- According to the U.S. Census Bureau, population growth in Tennessee has been 1.12 percent per year for the past 10 years, yielding a projected compound population growth of 11.78 percent over the next 10 years. No significant incarceration cost increase will occur due to population growth in this period.
- According to the Department of Correction (DOC), the average operating cost per offender per day for calendar year 2009 is \$59.80 and the average post-conviction time served for a Class A felony is 14.86 years. The cost per offender in the tenth year is \$218,419.50 (\$59.80 x

3,652.50 days). The total additional operating cost for 2 offenders in the tenth year is \$436,839 (\$218,419.50 x 2).

*\*Tennessee Code Annotated, Section 9-4-210, requires that: For any law enacted after July 1, 1986, which results in a net increase in periods of imprisonment in state facilities, there shall be appropriated from recurring revenues the estimated operating cost of such law. The amount appropriated from recurring revenues shall be based upon the highest cost of the next 10 years.*

**CERTIFICATION:**

This is to duly certify that the information contained herein is true and correct to the best of my knowledge.

A handwritten signature in black ink, appearing to read "James W. White". The signature is fluid and cursive, with the first name "James" written in a larger, more prominent script than the last name "White".

James W. White, Executive Director

/lsc